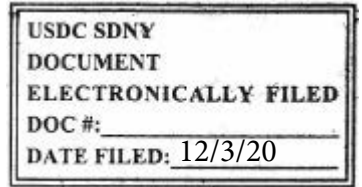


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Tayquan Tucker,

Petitioner,

—v—

United States of America,

Respondent.

15-cr-95 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On April 12, 2016, the Government charged Tayquan Tucker in the S2 superseding indictment filed in the above-captioned case for offenses connected to his alleged involvement with the Big Money Bosses street gang. Dkt. No. 97. On December 13, 2016, he pleaded guilty to Count Four and allocuted to brandishing a firearm in relation to a racketeering conspiracy in violation of 18 U.S.C. § 924(c)(1)(A)(ii). *See* Dkt. No. 1272. On April 26, 2017, the Court imposed a sentence of 84 months’ imprisonment on Count Four, to be followed by three years of supervised release. *See* Dkt. No. 1317.

On November 8, 2019, Mr. Tucker filed a motion to vacate his conviction under 28 U.S.C. § 2255 in light of the Supreme Court’s decision in *United States v. Davis*, 139 S. Ct. 2319 (2019). Dkt. No. 2680. Mr. Tucker’s conviction can no longer stand after *Davis*, because a racketeering conspiracy qualifies as a “crime of violence” only under the now-stricken residual clause of 18 U.S.C. § 924(c)(3). *Davis*, 139 S. Ct. at 2336.

As noted at the December 3, 2020 change of plea and sentencing proceeding held in this matter, Mr. Tucker’s petition for a writ of habeas corpus is GRANTED. His conviction on Count Four of the S2 superseding indictment and the sentence imposed on April 26, 2017, *see*

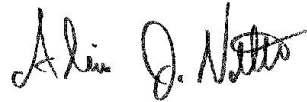
Dkt. No. 1317, are thus VACATED. The special assessment imposed under 18 U.S.C. § 3013 is also VACATED.

At the December 3, 2020 proceeding, Mr. Tucker pleaded guilty to Count One of the S13 superseding information, Dkt. No. 3104, and the Court sentenced him to 84 months' imprisonment, to be followed by three years of supervised release.

This resolves Dkt. No. 2680.

SO ORDERED.

Dated: December 3, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is positioned above a horizontal line.

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ALISON J. NATHAN  
United States District Judge